



UNITED STATES PATENT AND TRADEMARK OFFICE

SW

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/662,398	09/14/2000	William F. Harris	22146.203812	1311
826	7590	10/31/2003	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			GART, MATTHEW S	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 10/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/662,398

Applicant(s)

HARRIS, WILLIAM F.

Examiner

Matthew s Gart

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 58-76 is/are pending in the application.
- 4a) Of the above claim(s) 1-57 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 58-76 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 September 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Art Unit: 3625

DETAILED ACTION

Election/Restrictions

Claims 1-57 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 7. Claims 58 and 70 have been amended to further patentably distinguish the cited reference via Paper No. 13.

Drawings

This application has been filed with informal drawings, which are acceptable for examination purposes only. Figure 1 through Figure 9 contains improper crowded text, which may affect clarity when reproduced.

Applicant is required to submit a formal correction of the noted defect. Applicant is required to submit drawing corrections promptly. Drawing objections may no longer be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 58, 67-71 and 73-76 are rejected under 35 U.S.C. 102(e) as being anticipated by Sharp U.S. Patent No. 6,263,317.

Referring to claim 58. Sharp discloses a server system for generating an order for a product (Figure 1), comprising:

- A receiver component that receives, on behalf of a manufacturer, requests to order a product from a customer (column 3, lines 6-39) and for receiving financial authorization from a distributor (column 3, line 61 to column 4, line 11), a request including a product code that identifies the product (Figure 5) and a customer identification that identifies a customer (Figure 5), and a financial authorization comprising an acknowledgment from the distributor verifying a customer account even though the request is received by the receiver component in a manner independent of the distributor (column 3, lines 6-39 and column 5, lines 44-55);
- A data storage medium storing information for a plurality of products, including a customer price associated with each of the plurality of products (Figure 5);
- An order placement component that retrieves from the data storage medium information for the identified product and that uses the retrieved information to place an order from the manufacturer of the identified product (Figure 5); and
- An order fulfillment component that completes a purchase of the product in accordance with the order placed by the order placement component (Figure 3).

Referring to claim 67. Sharp further discloses a server system wherein the receiver component is in communication via a public access communications network

Art Unit: 3625

with a site displaying information for the product, and wherein the order is received via the public access network (Figure 1).

Referring to claim 68. Sharp further discloses a server system wherein the receiver component is in communication via a public access communications network with a site displaying information for the product, and wherein the order is received via the public access network (Figure 1).

Referring to claim 69. Sharp further discloses a server system wherein the receiver component is in communication via a public access communications network with a manufacturer-specific site displaying information for the product, where the manufacturer-specific site primarily displays only products of a single manufacturer, and wherein the order is received via the public access network (Figure 1).

Referring to claim 70. Sharp discloses a server system for generating an order for a product, comprising:

- A receiver component that receives, on behalf of a manufacturer, requests to order a product from a customer (column 3, lines 6-39), a request including a product code that identifies the product (Figure 5) and a customer identification that identifies a customer (Figure 5);
- A data storage medium storing information for a plurality of products and storing information for a plurality of agents associated with the products, where the stored product information includes a customer price associated with each of the plurality of products, where the stored agent information includes at least one

Art Unit: 3625

predetermined variable associated with each of the plurality of agents (Figure 5, column 3, lines 6-39 and column 5, lines 44-55); and

- A commission component that determines a commission and assigns the commission to one of the plurality of agents based on at least one of the plurality of predetermined variables even though the request is received by the receiver component in a manner independent of the agents (Fig. 4).

Referring to claim 71. Sharp further discloses a server system wherein the predetermined variable includes at least one of a territory, a distributor, a manufacturer, a commission percentage and the customer identification (column 5, lines 44-55).

Referring to claim 73. Sharp further discloses a server system wherein the receiver component further receives a financial authorization that comprises an acknowledgment of the validity of the customer identification from a distributor of the product (column 3, lines 6-39 and column 5, lines 44-55).

Referring to claim 74. Sharp further discloses a server system comprising an order placement component that retrieves from the data storage medium information for the identified product and that uses the retrieved information to place an order for the identified customer for the identified product (Figure 1 and Figure 3).

Referring to claim 75. Sharp further discloses a server system wherein the receiver component is in communication via a public access communications network with a site displaying information for the product, and wherein the order is received via the public access network (Figure 1).

Art Unit: 3625

Referring to claim 76. Sharp further discloses a server system wherein the receiver component is in communication via a public access communications network with a manufacturer-specific site displaying information for the product, where the manufacturer-specific site primarily displays only products of a single manufacturer, and wherein the order is received via the public access network (Figure 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 59-66 and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharp U.S. Patent No. 6,263,317 in view of Bezos U.S. Patent No. 6,263,317.

Referring to claim 59. Sharp discloses a method according to claim 58 as indicated supra. Sharp does not expressly disclose a server system wherein the customer identification includes an indication of the distributor so as to identify the predetermined pricing function. Bezos discloses a server system wherein the customer identification includes an indication of the distributor so as to identify the predetermined pricing function (column 14, lines 38-51, "...allows the system to obtain pricing information for a product and associate. In this way, the computer program **144** can be configured to generate special discounts or pricing incentives to the customer or associate depending on a particular business relationship."). At the time the invention

Art Unit: 3625

was made, it would have been obvious to a person of ordinary skill in the art to have modified the system of Sharp to have included the limitations of Bezos as discussed above in order to market a product efficiently distributed among entities that have established reputations and exposure within their respective field (Bezoz: column 3, lines 26-33).

Referring to claim 60. Sharp discloses a method according to claim 58 as indicated supra. Sharp does not expressly disclose a server system wherein the customer identification includes a customer account number associated with the distributor. Bezos discloses a server system wherein the customer identification includes a customer account number associated with the distributor ("When the customer subsequently purchases a product or products contained in the shopping cart, the associate's unique store ID maintained in the associate data structure **160** is used to appropriately credit the associate's account. During this process (or at the time of the referral) the computer program **144** determines whether the store ID represents a valid (enrolled) associate in the associates database **160**."). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system of Sharp to have included the limitations of Bezos as discussed above in order to market a product efficiently distributed among entities that have established reputations and exposure within their respective field (Bezoz: column 3, lines 26-33).

Referring to claim 61. Sharp in view of Bezos discloses a system according to claim 60 as indicated supra. Bezos further discloses a server system wherein the

Art Unit: 3625

receiver component is further for receiving an account number acknowledgment from the distributor associated with the customer account number so as to identify the predetermined pricing function (column 14, lines 38-51).

Referring to claim 62. Sharp discloses a method according to claim 58 as indicated supra. Sharp does not expressly disclose a server system wherein the data storage medium further includes pricing information associated with a plurality of distributors, and wherein the predetermined pricing function includes the distributor pricing information of the identified distributor in the customer price. Bezos discloses a server system wherein the data storage medium further includes pricing information associated with a plurality of distributors, and wherein the predetermined pricing function includes the distributor pricing information of the identified distributor in the customer price (column 14, lines 38-51). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system of Sharp to have included the limitations of Bezos as discussed above in order to market a product efficiently distributed among entities that have established reputations and exposure within their respective field (Bezos: column 3, lines 26-33).

Referring to claim 63. Sharp discloses a method according to claim 58 as indicated supra. Sharp does not expressly disclose a server system comprising a commission component that determines a commission and assigns the commission to a manufacturer's representative, where the commission is based on the order, and where the manufacturer's representative is associated with the customer identification. Bezos discloses a server system comprising a commission component that determines a

Art Unit: 3625

commission and assigns the commission to a manufacturer's representative, where the commission is based on the order, and where the manufacturer's representative is associated with the customer identification (column 14, lines 38-51, "...allows the system to obtain pricing information for a product and associate. In this way, the computer program **144** can be configured to generate special discounts or pricing incentives to the customer or associate depending on a particular business relationship."). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system of Sharp to have included the limitations of Bezos as discussed above in order to market a product efficiently distributed among entities that have established reputations and exposure within their respective field (Bezos: column 3, lines 26-33).

Referring to claim 64. Sharp discloses a method according to claim 58 as indicated supra. Sharp does not expressly disclose a server system comprising a commission component that determines a commission and assigns the commission to a manufacturer's representative, where the commission is based on the order, and where the manufacturer's representative is associated with the product. Bezos discloses a server system comprising a commission component that determines a commission and assigns the commission to a manufacturer's representative, where the commission is based on the order, and where the manufacturer's representative is associated with the product (at least column 11, lines 1-15, "The unique store ID 406 represents the information created and stored in the associate's database during the associate enrollment process described above. In the AMAZON.COM implementation, the unique

Art Unit: 3625

product ID **404** is the ISBN of a book that is available from the AMAZON.COM Web site.

The associate commission scheme ID is an optional feature that can be used to specify a commission percentage or method for calculating the referral commission.”). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system of Sharp to have included the limitations of Bezos as discussed above in order to market a product efficiently distributed among entities that have established reputations and exposure within their respective field (Bezos: column 3, lines 26-33).

Referring to claim 65. Sharp discloses a method according to claim 58 as indicated supra. Sharp does not expressly disclose a server system comprising a commission component that determines a commission and assigns the commission to a manufacturer's representative, where the commission is based on the order, and where the manufacturer's representative is associated with the customer identification and the product. Bezos discloses a server system comprising a commission component that determines a commission and assigns the commission to a manufacturer's representative, where the commission is based on the order, and where the manufacturer's representative is associated with the customer identification and the product (Abstract). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system of Sharp to have included the limitations of Bezos as discussed above in order to market a product efficiently distributed among entities that have established reputations and exposure within their respective field (Bezos: column 3, lines 26-33).

Referring to claim 66. Sharp discloses a method according to claim 58 as indicated supra. Sharp does not expressly disclose a server system wherein the data storage medium further comprises stored information associating a manufacturer's representative with a plurality of predetermined variables; and further comprising a commission component that determines a commission and assigns the commission to a manufacturer's representative based on at least one of the plurality of predetermined variable, where the commission is based on the customer price. Bezos discloses a server system wherein the data storage medium further comprises stored information associating a manufacturer's representative with a plurality of predetermined variables; and further comprising a commission component that determines a commission and assigns the commission to a manufacturer's representative based on at least one of the plurality of predetermined variable, where the commission is based on the customer price (column 1, line 62 to column 2, line 18). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system of Sharp to have included the limitations of Bezos as discussed above in order to market a product efficiently distributed among entities that have established reputations and exposure within their respective field (Bezos: column 3, lines 26-33).

Referring to claim 72. Sharp discloses a method according to claim 70 as indicated supra. Sharp does not expressly disclose a server system wherein the data storage medium further comprises a commission percentage associated with each of the plurality of products, wherein the commission is based on the commission percentage. Bezos discloses a server system wherein the data storage medium further

Art Unit: 3625

comprises a commission percentage associated with each of the plurality of products, wherein the commission is based on the commission percentage (at least column 11, lines 1-15, " The unique store ID 406 represents the information created and stored in the associate's database during the associate enrollment process described above. In the AMAZON.COM implementation, the unique product ID **404** is the ISBN of a book that is available from the AMAZON.COM Web site. The associate commission scheme ID is an optional feature that can be used to specify a commission percentage or method for calculating the referral commission."). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system of Sharp to have included the limitations of Bezos as discussed above in order to market a product efficiently distributed among entities that have established reputations and exposure within their respective field (Bezos: column 3, lines 26-33).

Response to Arguments

Applicant's arguments with respect to claim 58-76 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication should be directed to Matthew Gart whose telephone number is 703-305-5355. This examiner can normally be reached Monday-Friday, 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-


Art Unit: 3625

746-7239 for regular communications and 703-746-7238 for After Final communications.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

MSG

October 28, 2003



PATENT EXAMINER
TECHNOLOGY CENTER 3600



VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600